

D. C., and to each Senator and Congressman from the State of Washington, and to the Legislature of each of the several States, a full, true, and correct copy of this joint memorial.

Passed the House, January 26, 1927.

RALPH R. KNAPP,
Speaker of the House.

Passed the Senate, February 3, 1927.

W. LON JOHNSON,
President of the Senate.

Read and referred to Committee on Federal Relations.

STATE OF MARYLAND,
Executive Department.

Annapolis, Md., Feb. 19, 1927.

Hon. W. V. Howerton, Secretary of the Senate, Austin, Texas.

Dear Mr. Howerton:—I beg to acknowledge your favor of February 12th, enclosing me Concurrent Resolution of the Senate and House of Texas conveying to me their very kind invitation to address the Legislature of Texas some day during the present session. I feel very greatly honored by this invitation. It is an evidence of the good will of the people of Texas towards the executive of a sister state, which the people of Maryland appreciate as much as I do. I am sincerely disappointed that it is not possible for me to accept. The Legislature of Maryland is in session now and will not adjourn until early in April. This keeps me here every moment of my time, and it is just out of the question for me to be away for anything like as long a period as a trip to Texas would take. I had hoped that your Legislature might be in session longer than ours, but I find you will in all probability adjourn first. Under these circumstances, I can only express again my appreciation of the honor of the invitation and my sincere regret that my duties in Maryland make it impossible for me to accept it.

Sincerely yours,

ALBERT C. RITCHIE,
Governor.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 23, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

rolled Bills have had S. C. R. No. 23 carefully examined and compared, and find the same correctly enrolled and have this day at 3:00 o'clock p. m., presented the same to the Governor for his approval.

WITT, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 17 carefully examined and compared, and find the same correctly enrolled and have this day at 4:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Vice-Chairman.

TWENTY NINTH DAY.

Senate Chamber,
Austin, Texas.

Thursday, February 24, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Bailey:

S. B. No. 428, A bill to be entitled "An Act creating a more efficient road system for Wilson County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Wilson County to issue bonds of said County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Russek:

S. B. No. 429, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas enacted by the Thirty-ninth Legislature of the State of Texas in Regular Session in the year A. D. 1925 (prescribing the purposes for which private corporations may be organized) by adding thereto by appropriate number a subdivision, section or clause authorizing the organization and incorporation of hospitals or sanitariums for the care and treatment of, and surgery upon sick, diseased, infirm, disabled, injured, persons, and for such purposes to acquire, own and hold real estate, buildings, and structures, inclusive of buildings for homes for nurses, laboratories, clinics and offices for physicians and surgeons; and in furtherance, and not in limitation of its objects and powers, to do, any and all other acts and things, and to exercise any and all other powers, rights and privileges which a

co-partnership or natural person could do and exercise, and which may be authorized by law; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Wood:

S. B. No. 430, A bill to be entitled "An Act providing for expenses of members of the State Highway Commission in connection with official duties; providing for the payment of said expenses out of an appropriation of the State Highway Fund heretofore made; and declaring an emergency."

Read first time and referred to the Committee on Finance.

Senate Bill No. 397 and 399.

Senator Wood moved that S. B. No. 397 and 399 be printed upon the unfavorable minority report.

The bills were ordered printed.

Senate Bill No. 392.

Senator Parr moved that S. B. No. 392 be ordered printed on the minority report.

Senator Pollard moved to table the motion. The motion was lost by the following vote:

Yeas—13.

Bailey.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Hall.	Wirtz.
Holbrook.	Witt.
Love.	Wood.
Miller.	

Nays—14.

Berkeley.	Reid.
Bledsoe.	Russek.
Bowers.	Stuart.
Lewis.	Triplett.
McFarlane.	Ward.
Neal.	Westbrook.
Parr.	Woodward.

Absent.

Greer.	Moore.
Hardin.	Smith.

Senator Parr's motion was adopted.

House Bill No. 11.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 11, A bill to be entitled "An Act to create road district No.

4 in Shelby County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The bill was read third time and finally passed.

House Bill No. 16.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 16, A bill to be entitled "An Act amending Sections 10, 16 and 17 of Chapter 24 of the Special Laws of the State of Texas, approved March 5th, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton County, by changing the minimum age of persons required to work the roads from eighteen to twenty-one and changing the amount of indebtedness that can be created in road matters and changing the compensation of the road supervisors.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Moore.
Hardin.	Smith.

House Bill No. 150.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 150, A bill to be entitled "An Act to amend Article 1036, Title 15, Chapter 2, of Code of Criminal Procedure of the State of Texas of 1925, allowing witness fees and mileage in all out county felony cases in the sum of four cents per mile for each mile traveled going to and from the court or grand jury and two dollars per day for each day of service and such witnesses in all cases who attend in obedience to any process issued by any grand jury or any court in this State other than county of their residence; and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Moore.
Hardin.	Smith.

House Bill No. 201.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 201, A bill to be entitled "An Act amending Article 941a of the Penal Code of the State of Texas as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the catching of sucker, buffalo, carp and shad in certain counties, by adding to said Article the names of Bosque, Grayson, Cook, Denton, Coryell, Hamilton, Erath, Dallas and Hood Counties."

The bill was read third time and finally passed by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Greer.	Moore.
Hardin.	Smith.
McFarlane.	Ward.
Miller.	

House Bill No. 335.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 335, A bill to be entitled "An Act to amend Section 7 of the Special Laws enacted at the Regular Session of the Thirtieth Legislature, the same being Chapter 34, creating a more efficient road system for Washington County, etc.; and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Moore.
Hardin.	Smith.

House Bill No. 372.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 372, A bill to be entitled "An Act fixing in counties having a population in excess of 150,000 inhabitants, and in which there is no county attorney the compensation of

and providing for the appointment of assistant district attorneys, investigators, stenographers, and other employees and providing for their salaries and the manner of their payment, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and finally passed.

Senate Bill No. 223.

On the motion of Senator Parr the Senate by unanimous vote rescinded the vote by which the bill was finally passed.

Previous to said motion the Chair announced that the bill had been returned from the Governor and that the signatures of the Lieutenant Governor and Speaker had been erased therefrom.

Senator Parr sent up the following amendment:

Amend the caption so as to read as follows:

An Act to amend Section 28, Article 199, Title 8 of the Revised Statutes of Texas, 1925, as same appears on pages 92 and 93 of volume 1 of said Revised Statutes, in regulating only the times of holding court in the Twenty-eighth Judicial District, composed of the counties of Kenedy, Nueces and Kleberg, so as to change the time of holding said terms of court; provided this Act shall not affect the provisions of Section 28, Article 199 of Title 8 of the Revised Statutes creating the Criminal District Court of the Counties of Nueces, Kleberg, Kenedy, Willacy and Cameron, and fixing the time of holding the terms of court of said Criminal District Court, and declaring an emergency."

Amend Section 1 by substituting in lieu thereof, the following:

Section 1. That Section 28 of Article 199 of Title 8 of the Revised Statutes of Texas of 1925, as same appears on pages 92 and 93 of Volume 1 of said Revised Statutes, which creates the Twenty-eighth Judicial District Court composed of the Counties of Kenedy, Nueces and Kleberg and fixes the time of holding the terms of said district court, be amended so as to hereafter read as follows:

Amend Section 3 by substituting in lieu thereof, the following:

That all laws and parts of laws that conflict herewith are hereby repealed; provided, however, that nothing herein shall be construed to affect any of the provisions of Section 28 of Article 199 of Title 8, of the Revised Statutes of Texas of 1925, which appears on pages 89, 90, 91 and 92 of Volume 1 of said Revised Statutes, containing in force the criminal district court for the Counties of Nueces, Kleberg, Kenedy, Willacy and Cameron and fixing the terms of said court. The intent of this Act being only to change the times of holding the terms of court of the Twenty-eighth Judicial District composed of the Counties of Kenedy, Nueces and Kleberg.

The amendments were read and adopted by unanimous vote.

The bill was finally passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Moore.
Hardin.	Smith.

Senate Bill No. 60.

On the motion of Senator Holbrook the vote by which S. B. No. 60 was finally passed was rescinded by unanimous consent.

Previous to said motion the Chair announced that the bill had been returned from the Governor and that the signatures of the Lieutenant Governor and Speaker had been erased therefrom.

Senator Holbrook sent up the following amendment.

Amend Senate Bill No. 60 (printed bill) as follows:

By striking out all of Section 2

(page 2) lines 5 to 16 inclusive, and by striking out the word and figure "Section 3," page 2, line 17, and by inserting the word and figure "Section 2," and by striking out the words "and not included in any of the classes mentioned in Section 4-a hereinbefore set out in this Act," lines 29 and 30, Section 7, and by striking out the word and figure "Section 4," line 10, page 3, and by inserting the word and figure "Section 3," and by striking out of Section 5, page 3, lines 14 and 15 the words "and of discouraging bequests, devises and gifts for the benefit of the classes mentioned in Section 4-a hereinbefore set out."

Amend the Caption of Senate Bill No. 60 (printed bill) page 1, by striking out the words "and adding thereto Section 4-a," lines 8 and 9, and by striking out the words "or to a city, town or county within this State or to the State of Texas," lines 14 and 15.

The amendment was read and adopted by unanimous vote.

The bill was finally passed by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Neal.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Moore.
Greer.	Smith.
Hardin.	Witt.
Miller.	

Messages from the House.

The Chair recognized the Door-keeper who introduced a Messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolution:

H. J. R. No. 5, A resolution proposing an amendment to the Constitution, so as to make taxable University lands of the county where located.

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has complied with S. C. R. No. 22 and returns herewith S. B. No. 223.

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

House Bills Read and Referred.

After its caption was read the Chair referred the following resolution:

H. J. R. No. 5 to the Committee on Constitutional Amendments.

House Bill No. 372.

On the motion of Senator Hall the vote by which the S. B. No. 372 was finally passed, was reconsidered by unanimous vote.

The bill was finally passed by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Neal.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Moore.
Greer.	Smith.
Hardin.	Witt.
Miller.	

Senate Bill No. 7.

On the motion of Senator Bailey, S. B. No. 7 was made a special order for Monday morning after the morning call.

Simple Resolution No. 64.

Senator Fairchild received unanimous consent to send up the following resolution:

By Senator Fairchild:

Whereas, by a simple resolution adopted by the Senate, the Committee on Penitentiaries of the Senate, together with the Governor and Lieutenant Governor, are taking a trip of inspection to the State Penitentiary and,

Whereas, A. E. Wood is a member of said Committee and is unable to make the trip;

Now, therefore, be it resolved that Senator W. H. Bledsoe be added to said Committee and make said trip, and that his expenses be paid out of the contingent expense fund of the Senate.

The resolution was read and adopted.

Senate Bills Nos. 181, 186 and 214.

On motion Senate Bills Nos. 181, 186 and 214 were made a special order for Monday morning after S. B. No. 7.

Senate Bill No. 21.

The Chair laid before the Senate as pending business, under a special order, the following bill:

S. B. No. 21, A bill to be entitled "An Act to repeal Chapter 49, of the Acts of the Thirty-ninth Legislature, of 1925, of the State of Texas, now Article 727A of the Code of Criminal Procedure of 1925, relating to the exclusion of evidence obtained in violation of Constitutional Laws of the State of Texas, or of the United States of America."

Senator Ward withdrew his pending amendment.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 21 by striking out the words "expressly repealed" in line 18, and insert in lieu thereof the following:

"Is hereby amended to hereafter read as follows: No evidence obtained by an officer or other person in violation of any provision of the Constitution or laws of the State of Texas, or of the United States of America, shall be admitted in evidence against the accused on the trial of any criminal case. The search

of any property other than the private residence, actual place of habitation, store, building, or buildings actually used in connection with a private residence or business house, whether such search be made with or without a warrant, if the searching officer had knowledge of facts constituting probable cause for such search, or if the search was made as an incident of a legal arrest, shall not be considered a violation of the Constitution or any law of the State of Texas or the United States, within the terms of this Act, and any evidence obtained by such search as herein defined shall not be excluded from evidence by this Act."

The amendment was read.

Senator Stuart sent up the following substitute amendment:

By Senators Stuart and Moore:

Amend Senate Bill No. 21, by striking out the words "expressly repealed" on line 18 and inserting in lieu thereof the words "amended so as to hereafter read as follows:

"No evidence obtained by any peace officer or State Ranger as a result of the unlawful search of any private residence or business house or business office of another actually used as such shall be admitted upon the trial of any criminal case."

The substitute amendment was read.

Recess.

On the motion of Senator Pollard, the Senate at 12:00 m. recessed until this afternoon at 2:00 p. m.

After Recess.

The Senate was called to order at 2 o'clock p. m. pursuant to recess by Lieutenant-Governor Barry Miller.

Senate Bill No. 21.

The question recurred upon the substitute amendment by Senator Stuart.

Senator Love moved the previous question upon the pending amendment and the bill.

The Senate refused to order the previous question by the following vote:

Yeas—10.

Bledsoe.	Reid.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Witt.
Moore.	Woodward.

Nays—11.

Bailey.	Pollard.
Berkeley.	Price.
Fairchild.	Real.
Hall.	Ward.
Holbrook.	Wirtz.
Parr.	

Absent.

Bowers.	Neal.
Floyd.	Russek.
Greer.	Smith.
Hardin.	Westbrook.
Miller.	Wood.

The substitute by Senator Stuart was adopted by the following vote:

Yeas—15.

Bledsoe.	Reid.
Bowers.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Westbrook.
Moore.	Witt.
Neal.	Woodward.
Pollard.	

Nays—13.

Bailey.	Parr.
Berkeley.	Price.
Fairchild.	Real.
Floyd.	Russek.
Hall.	Ward.
Holbrook.	Wirtz.
Miller.	

Absent.

Greer.	Wood.
Hardin.	

The amendment as substituted was adopted.

Senator Stuart sent up the following amendment:

Amend the caption of Senate Bill No. 21, by striking out the word "repeal" on line 8 and inserting in lieu thereof the word "amend."

The amendment was read and adopted.

The bill was adopted as engrossed by the following vote:

Yeas—16.

Bledsoe.	Pollard.
Bowers.	Reid.
Floyd.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Westbrook.
Moore.	Witt.
Neal.	Woodward.

Nays—12.

Bailey.	Parr.
Berkeley.	Price.
Fairchild.	Real.
Hall.	Russek.
Holbrook.	Ward.
Miller.	Wirtz.

Absent.

Greer.	Wood.
Hardin.	

Bills Signed.

After their captions were read the Chair signed in the presence of the Senate the following bills:

S. C. R. No. 16.
S. B. No. 69.

Message from the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 3, A bill to be entitled "An Act to amend Article 8029 of the Revised Civil Statutes of Texas of 1925, relating to the dissolution of levee improvement districts, by leaving said Article 8029 just as it is, but adding sections thereto, providing for dissolution of levee improvement districts which have failed to function; providing a procedure by which levee improvement districts may voluntarily abolish their corporate existence, providing for the settlement of debts, retirement of bonds, custody of property and appointment of a trustee to close up the affairs of such districts, and providing ways and means for holding elections to decide whether or not such districts will be dissolved; and declaring an emergency."

With amendments.

S. B. No. 60, A bill to be entitled "An Act amending Section 4 of Chapter 29 of the General Laws of the Second Called Session of the 38th Legislature and adding thereto Section 4-a and amending Section 7 of said Chapter 29, so as to exempt from the inheritance tax provided for in said Chapter bequests,

devises, gifts, grants, conveyances and transfers of any kind or character whatsoever passing to or for the use of religious, educational or charitable organizations located within this State or to a city, town or county within this State or to the State of Texas, to be used within this State; and relieving and releasing any and all beneficiaries of the kind and character above mentioned from payment of any inheritance taxes which may have heretofore accrued; and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

S. B. No. 66, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, by exempting from jury service agents and patrol men engaged in forestry protection work employed by the State Department of Forestry when engaged in the regular and actual discharge of their duties, and declaring an emergency."

With amendments.

S. B. No. 117, A bill to be entitled "An Act to amend Section 6, Article 8306, Part 1 of Title 130 Revised Statutes of 1925, by changing the waiting period and date on which compensation shall begin to accrue, and declaring an emergency."

S. B. No. 142, A bill to be entitled "An Act amending Article 6643 of the Revised Civil Statutes of 1925, relative to lis pendens notices; providing that lis pendens notices mentioned and referred to in said Article shall be notice to all the world of their contents, and that the suit or suits mentioned therein are pending and shall operate as soon as filed with the county clerk for record as provided in Chapter 2, of Title 115 of the Revised Civil Statutes of 1925, whether service has been had on the parties to said suit or not; and declaring an emergency."

Respectfully submitted,

M. LOUISE, SNOW,
Chief Clerk, House of Representatives.

Simple Resolution No. 65.

Senator Bailey received unanimous consent to send up the following resolution:

Resolved by the Senate of Texas that it appreciates the hospitality of, and splendid entertainment of this body by the citizenship of Laredo, Texas, at their Washington's Birthday Celebration ceremonies on Feb-

ruary 22, 1927; and the members of this body, individually and collectively, most heartily, cordially and sincerely thank the good people of Laredo for the splendid manner in which they entertained them and contributed to their pleasure, comfort and enjoyment while their guests on such occasion, and also the people of San Antonio, Texas, who entertained them so royally when they stopped over in their city en route, and also the Mexican officials and people who participated in such entertainment at Laredo, Texas.

BAILEY
WOODWARD,
LEWIS

The resolution was read and adopted.

Senate Bill No. 3.

On the motion of Senator Bowers the Senate concurred in the House amendments to S. B. No. 3 by the following vote:

Yeas—24.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Hall.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Witt.
Moore.	Woodward.

Present—Not Voting.

Price. Wirtz.

Absent.

Bailey.	Westbrook.
Cleer.	Wood.
Hardin.	

The following is a copy of the amendments:

Committee Amendment to S. B. No. 3.

Amend S. B. No. 3 by striking out all below enacting clause and inserting that portion below enacting clause of the committee substitute bill as printed.

Committee Amendment to S. B. No. 3.

Amend S. B. No. 3 by striking out all above enacting clause and in-

serting in lieu thereof all above the enacting clause in the committee substitute bill as printed.

Senate Bill No. 66.

On the motion of Senator Westbrook, the Senate concurred in the House amendment to S. B. No. 66.

The following is a copy of the amendments:

Amend S. B. No. 66 by adding after the word "engineers" on page 1, the words "and firemen," and amend the caption to conform thereto.

Senate Bill No. 258.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 258, A bill to be entitled "An Act relating to free textbooks for the public free schools of this State; amending Section 30, 31, 33, 34 and 39, and repealing Sections 40 and 41, of Chapter 176, of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free textbooks used in the public schools of this State; requiring reports as to the funds for said textbooks; providing for the distribution of the amount set aside for free textbooks direct to the schools using such books and the purchase of same by such schools themselves from the various textbook depositories or agencies, and providing that any free textbook moneys not so used by any such school shall become a part of its available school moneys and may be used by it for general school purposes; making the necessary changes in the statutes to accomplish the main purpose of this Act, and declaring an emergency."

The bill was read second time.

Senator Witt sent up the following amendment:

Amendment No. 1 to S. B. No. 258.

Amend S. B. No. 258 by adding to Section 33 appearing in Section 1, of the printed bill the following paragraph:

"Immediately after this Act shall become effective the State Superintendent of Public Instruction shall furnish to all school authorities upon whom the duty of purchasing text books shall be placed by this Act, a list of all adopted texts available for

use by such authorities, the price of each text under said adoption, the company furnishing same under said contract, and the location of the depository where each of said books can be secured. And on or before March 1st of each year thereafter and following the making of any new contract, the State Superintendent of Public Instruction shall furnish said authorities the same information."

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Amendment No. 2 to S. B. No. 258.

Amend S. B. No. 258 by striking from Section 34 of Section 1 in lines 14, 15, 16 and 17 of page 3 of the printed bill, the following words:

"Said school shall requisition such textbooks from said depository or agency and shall accompany said requisition with the amount necessary to pay for the books ordered in such requisition."

And insert in lieu thereof the following:

"Said school shall purchase such textbooks as desired from said depository or agency or through the county school superintendent; and when ordered through the county school superintendent, he shall purchase for said school and charge the amount of the purchase against the fund available to said school."

The amendment was read and adopted.

The bill was ordered engrossed.

On motion of Senator Witt, the constitutional rule requiring bill to be read on three several days was suspended and S. B. No. 258 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	Russek.

Absent.

Bledsoe.	Hardin.
Greer.	

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	

Nays—1.

Price.

Absent.

Greer.	Woodward.
Hardin.	

Senate Bill No. 190.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 190, A bill to be entitled "An Act to prevent time warrants from being issued by or for any county or political subdivision of a county; defining the word "time warrants," preventing the issuance of bonds to fund or refund, or the proceeds of which may be for the purpose of paying or retiring any such time warrants or other warrants heretofore or hereafter issued; and providing that any bonds or warrants issued in violation of this Act shall be void; providing that this Act shall not apply to bonds or warrants issued under Title 118, Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

The committee report carrying a substitute was read and adopted.

Senator Parr sent up the following amendments:

Amend C. S. S. B. No. 190 by adding at the end of Section 4 thereof the following:

"Provided that this section shall not apply to any local or special law for Duval County, and this Act shall not prevent the issuance of any bonds or warrants for said county pur-

suant to any local or special law therefor."

Amend said bill by inserting in the caption just before the words "and declaring an emergency" the following:

"And providing that this Act shall not apply to any local or special law for Duval County, and this Act shall not prevent the issuance of any bonds or warrants for said county pursuant to any local or special law therefor."

The amendments were read.

Senator Fairchild made the point of order that the amendments were not germane to the bill and would render the bill unconstitutional.

The Chair overruled the point of order.

The amendment was adopted.

Senator Fairchild sent up the following amendment:

Amend Senate Bill No. 190 by inserting in the caption just before the words "and declaring an emergency" the following:

"Limiting the time that such time warrants may run; providing for elections as to funding or refunding bonds; declaring void time warrants and bonds issued in violation of this Act; providing that the Act shall not apply to bonds and warrants issued under Title 118 of the Revised Civil Statutes; repealing any local, special or general law or part thereof in conflict with this Act or authorizing the issuance of any bonds or warrants contrary to the provisions of this Act."

Amend said bill by adding at the end of Section 2 thereof the following:

"No such time warrant shall be valid if it calls for the payment of money more than ten years from the date of its issuance."

Amend said bill by inserting a new sentence in Section 2 thereof after the words "last approved tax rolls of the county" which sentence shall read as follows:

"Said two thousand dollars for each million dollars or fractional part thereof as aforesaid shall be the total maximum for all purposes in the aggregate, and it is not intended to authorize said amount for each separate purpose or in each separate fund."

Amend Senate Bill No. 190 by adding at the end of Section 1 thereof the following:

"Whenever the commisisoners'

court of a county decides to issue funding or refunding bonds under any statute of this State authorizing same, the county judge shall order an election to be held throughout the county so that the qualified voters of the county may vote thereon, and the election may be held after notice thereof has been advertised in some daily newspaper published or circulated in the county for a period of not less than thirty days. After one election is held, a second election for the issuance of funding or refunding bonds shall not be held within less than one year thereafter. It shall be the duty of the commissioners' court to canvass the returns of any such election within fifteen days after it is held and may immediately after such canvass and declaration of the result, issue and sell such bonds after approval of the Attorney General if the same carried by a majority vote as aforesaid."

The amendments were read and adopted.

Senator Reid sent up the following amendments:

Amendment No. 6, Senate Bill No. 190, Section 2, line 20 by inserting after the word "or" the word "major."

The amendment was read and adopted.

Senator Love sent up the following amendment:

Amend Senate Bill No. 190 by inserting in Section 2 of the Committee Substitute Bill, after the words "tax rolls of the county" in line 22, page 4, of the printed bill the following:

"Provided that counties having taxable values of two hundred and fifty million dollars or more, may issue such warrants not exceeding in the total amount outstanding at any time, one per centum of the amount of the taxable values of such county."

The amendment was read.

Senator Holbrook sent up the following substitute for the amendment:

Substitute for Amendment No. 7, S. B. No. 190.

Amend S. B. No. 190, by adding after the figures "1925" in line 3, page 2 of the bill the following: "Provided further that counties having an assessed valuation of more than \$50,000,000 shall not be af-

fectured by nor come under the provisions of this bill."

The substitute was read and failed to be adopted.

The amendment by Senator Love was adopted by the following vote:

Yeas—14.

Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Reid.
Lewis.	Stuart.
Love.	Westbrook.
Neal.	Witt.
Parr.	Woodward.

Nays—11.

Bailey.	Smith.
Berkeley.	Triplett.
Hall.	Ward.
Holbrook.	Wirtz.
Real.	Wood.
Russek.	

Absent.

Floyd.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Senator Fairchild moved to reconsider the vote by which the amendments by Senator Parr exempting Duval County from the effect of the bill were adopted.

Amendments Ordered Printed.

The following amendments were sent up and ordered printed:

Senator Neal sent up the following amendment and asked that same be printed:

Amend Senate Bill No. 190, page 4, Section 2, line 22, by changing the period after the word "county" to a semicolon and adding the following, "the amount of the aforesaid warrants authorized to be issued in this bill to be divided equally among the four county funds."

Senator Ward sent up the following amendment to be printed in the Journal:

Amend Committee Substitute Senate Bill No. 190, by striking out all of said bill after line 11, page 4 and inserting in lieu thereof the following:

Section 1. Hereafter no county commissioners' court shall have authority to issue any funding or refunding bonds to take up, pay or retire any outstanding warrants, or securities other than bonds, except

in the manner hereinafter prescribed, to-wit:

(a) Notice of intention to issue such refunding bonds, including a statement of the amount and purpose of such bonds, shall be published at least once in a newspaper of general circulation within such county at least four weeks before the meeting of the commissioners' court at which it is proposed to issue such bonds.

(b) At any time before the date fixed for the issuance of such bonds, ten per cent of the qualified property tax paying voters of the county as shown by the records in the office of the county tax collector, may file a petition in the office of the county clerk praying the court to order an election for the purpose of submitting the proposition to issue such bonds to a vote of the qualified property tax paying voters of the county. Upon the filing of such petition, if the court finds that it is signed by the required number of property tax paying voters, such court shall have the power, and it is hereby made its duty, at any regular or special session thereof, to order an election to be held in such county to determine whether or not such refunding bonds shall be issued as indicated in such petition.

(c) The commissioners' court shall determine the time, place or places of holding said election; and the manner of holding same shall be governed by the laws of the State regulating elections for the issuance of other county bonds under Chapter 2, Title 22, Revised Civil Statutes, 1925. If the proposition for the issuance of such bonds be sustained by a majority of the property tax paying voters, voting at such election, then such bonds shall be authorized and shall be issued by such commissioners' court.

(d) In event no such petition is presented to the commissioners' court in the time hereinabove prescribed, no election on the proposition shall be required, and such court shall then have the power to pass all necessary orders to provide for cancelling, funding or refunding the indebtedness described in such published notice of intention to refund said debts, and may cancel the evidences thereof by issuing to the holders the necessary amount of refunding bonds.

(e) The refunding bonds hereby authorized shall be payable serially in approximately equal portions every year for not exceeding thirty years from the date thereof. Such bonds shall be executed and issued in the same manner now provided by law for the execution and issuance of bonds to refund outstanding county bonds. Said bonds shall bear interest not exceeding six per cent per annum, and shall be approved by the Attorney General and registered by the State Comptroller in the same manner as other county bonds.

Sec. 2. Hereafter no scrip warrants shall be issued by or for any county in excess of the revenues reasonably anticipated to accrue during the current year to the fund or funds against which such scrip warrants are issued. A scrip warrant within the meaning of this Act is a warrant calling for payment of money out of the anticipated revenues for the current year.

Sec. 3. Hereafter no time warrants shall be issued during the calendar year by or for any county in excess of one thousand dollars for each one hundred thousand dollars, or fractional part thereof, of the taxable values of the county, according to the last approved tax rolls of the county for that year. A time warrant within the meaning of this Act is a warrant calling for the payment of money out of revenues for a future year or years and not out of money on hand or revenues for the current year.

Sec. 4. Any warrants or refunding bonds hereafter issued in violation of this Act shall be void; provided, this Act shall not apply to bonds or warrants issued under Title 118 of the Revised Civil Statutes of 1925, which Title is on the subject of sea walls; and, provided further that this Act shall not apply to any warrants issued for the purpose of funding or postponing the maturity dates of any valid warrant debt when it becomes necessary to issue such funding warrants in order to prevent default in the payment of such outstanding warrant debt; and, provided, further, that nothing in this Act shall be construed as invalidating any contracts heretofore lawfully made by any county in pursuance of which warrants have been legally authorized to be issued.

Sec. 5. The importance of this

measure to many counties throughout the State, and the crowded condition of the calendar, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Referred to Committee on State Affairs as follows:

Wirtz, Chairman; Floyd, Vice-Chairman; Hall; Holbrook; Miller; Parr; Real; Triplett; Westbrook; Witt; Wood.

On the motion of Senator Bailey the bill was laid on the table subject to call.

Message From the Governor.

The Chair recognized the Doorkeeper who recognized a messenger from the Governor with the following executive message:

Executive Office,
February 24, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons as notaries public of the respective counties listed below. These are presented for appointment under the authority of Senate Bill No. 29 of the Fortieth Legislature:

Upshur County.

Mrs. Era Bledsoe, Gilmer, Texas; J. J. Briggs, Gilmer, Texas; A. F. Shepperd, Gilmer, Texas; John H. Tackitt, Gilmer, Texas; Ella Virge Bullard.

Van Zandt County.

Lilla Bateman, Canton, Texas; Mae Davis, Wills Point, Texas; Lottie Miller, Wills Point, Texas; Jack T. Life, Wills Point, Texas; Gordon R. Wynne, Wills Point, Texas; Daisy Blailock, Wills Point, Texas.

Smith County.

Lee Browning, Winona, Texas; Benjamin Clyde Floyd, Tyler, Texas; Mrs. L. W. Griffies, Tyler, Texas; Nellie Rae Solinger, Tyler, Texas; S. W. Davis, Tyler, Texas; John A. Bryant, Tyler, Texas; Ruby Myhand, Tyler, Texas; B. T. Walters, Tyler, Texas; F. R. Allen, Tyler, Texas;

H. M. Collins, Tyler, Texas; Kathryn Bott, Tyler, Texas; J. R. Smith, Tyler, Texas; Robert, Spence, Tyler, Texas.

Wood County.

C. L. Shamburger, Quitman, Texas; J. E. Billingsley, Mineola, Texas; Mrs. C. B. Belk, Alba, Texas; B. F. Cathey, Quitman, Texas; W. W. Chapman, Alba, Texas; J. D. Dowell, Mineola, Texas; J. W. Reed, Mineola, Texas; J. B. Woods, Mineola, Texas; C. W. Vickery, Mineola, Texas; Avis Britton Cooper, Quitman, Texas;

Camp County.

C. E. Bryson, Pittsburg, Texas.

Tom Green, County.

Frederick Pfendler, Jr., San Angelo, Texas; Mary V. Stetzer, San Angelo, Texas; Robert T. Neil, San Angelo, Texas.

Jack County.

Lorena Turpin, Jacksboro, Texas.

Palo Pinto County.

W. A. Herring, Palo Pinto, Texas.

Coleman County.

Miss Ethel Whetstone, Santa Anna, Texas; J. O. Martin, Santa Anna, Texas; Miss Mariana Bibrell, Coleman, Texas.

Brown County.

J. A. Nunnley, Bangs, Texas; J. J. Timmins, Brownwood, Texas; Miss Carrie Reaves, Brownwood, Texas.

Hill County.

Horton B. Porter, Hillsboro, Texas.

Midland County.

Jno. N. Wells.

Jefferson County.

Lela DuBose, Beaumont, Texas; Deete Etheredge, Beaumont, Texas; Vianna Grazier, Port Arthur, Texas; W. C. Gray, Beaumont, Texas; Besie Hamner, Beaumont, Texas.

Dallam County.

Miss Stella Stull, Dalhart, Texas; Ernest Fox, Dalhart, Texas.

Hutchinson County.

D. I. Watner, Borger, Texas.

Potter County.

L. G. Watner, Amarillo, Texas.

Dallas County.

Mrs. A. J. Clements, 1002 Santa Fe Bldg., Dallas, Texas; H. H. Green, care W. A. Green Co., Dallas, Texas; R. E. Hill, care W. A. Green Co., Dallas, Texas; Norwood L. Williams, 324 Slaughter Bldg., Dallas, Texas.

Tarrant County.

Edna Ferreira, Marland Oil Company, Fort Worth, Texas; Mrs. H. M. Hall, care Boesch Loan Co., Fort Worth, Texas; Ires Prosser, care Shead & Evridge, Burk Burnett Building, Fort Worth, Texas; Miss Ruth Attaway, 1008 First Nat'l. Bank Bldg., Fort Worth, Texas; Miss Mary A. White, 607 Burk Burnett Building, Fort Worth, Texas; Jessie Hergert, 4162 Hemphill Street, Fort Worth, Texas; Julia Motley, 1605 E. Oleander Street, Fort Worth, Texas.

Respectfully submitted,

DAN MOODY,

Governor of Texas.

The message was read and referred to the Committee on Governor's Nominations.

House Bill No. 118.

The Chair laid before the Senate as special order the following bill:

H. B. No. 118, A bill to be entitled "An Act to amend Articles 5431 and 5432, of Title 88 of the Revised Civil Statutes of the State of Texas of 1925, relating to damages by libel; mitigation of damages occasioned by libel, and the defense in causes of action for libel, and defining privileged matters."

The bill was read second time.

The committee report carrying a substitute was adopted.

The question recurred upon the amendment sent up by Senator Love printed on Page 505 of the Journal, of February 23, 1927, and the amendment was read.

Senator Wirtz moved to table the substitute by Senator Love, et al.

The motion to table was lost by the following vote:

Yeas—8.

Bailey.	Miller.
Bowers.	Parr.
Fairchild.	Russek.
Holbrook.	Wirtz.

Nays—20.

Berkeley.	Price.
Bledsoe.	Real.
Floyd.	Reid.
Hall.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Witt.
Neal.	Wood.
Pollard.	Woodward.

Absent.

Greer.	Stuart.
Hardin.	

The substitute was adopted.

Senator Wirtz sent up the following amendment:

Amend the substitute by striking out of Article 5432, page 506 of the Journal, all of paragraph 3, and in lieu thereof insert the following:

"3. A fair, true and impartial account of public meetings and conducted for public purposes only."

WIRTZ.

The amendment was read.

Message From the House.

The Chair recognized the Door keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 179, A bill to be entitled "An Act amending Chapter 253, of the Special Laws of the State of Texas, passed by the Thirty-ninth Legislature, at the First Called Session thereof, which convened in the City of Austin, September 13, 1926, and adjourned October 8, 1926, relating to the creation of Road District No. 4 in Fayette County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court in said county in respect to said road

district, bonds and taxes, or certified copies thereof and constituting such orders legal evidence, evidencing proof of publication of constitutional notice required in such Act, by adding thereto a section to be known as Section 3A, reading as follows, to-wit:

"Section 3A. That the order adopted by the county commissioners' court of said county on the 29th day of August, 1925, submitting to the resident property taxpayers, who were qualified electors of said road district, at an election to be held in said road district on the 3rd day of October, 1925, the proposition of issuing bonds of said road district in the amount of twenty-five thousand dollars (\$25,000.00), and the levy of a tax upon the taxable property therein to pay interest on said bonds and provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads or turnpikes, or in aid thereof, and the notice published and posted at said election, the form of ballot used thereat and the canvass of the vote cast at said election as recorded in the minutes of said county commissioners' court, revealing that a two-thirds majority of such resident qualified property taxpayers who were qualified electors, voting on the propositions voted in favor of the issuance of such bonds and levy of such tax are hereby legalized, approved and validated, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Senate Bill No. 242.

Senator Wood received unanimous consent to take up out of its order the following bill:

S. B. No. 242, A bill to be entitled "An Act providing for the regulation of automobile insurance by the Commissioner of Insurance; providing a penalty for the violation of the provisions thereof, and declaring an emergency."

The bill was read second time.

The committee report carrying a substitute was adopted.

The bill was ordered engrossed.

S. C. R. No. 24.

Senator Fairchild received unanimous consent to take up the following resolution:

S. C. R. No. 24, Declaring the policy of the Legislature in regard to inheritance taxes upon donations to charitable, etc., institutions.

The resolution was read and adopted.

Bills Signed.

After their captions were read the Chair signed in the presence of the Senate the following bills:

S. B. No. 60.	S. B. No. 142.
S. B. No. 66.	S. B. No. 179.
S. B. No. 117.	

Senate Bill No. 187

Senator Real received unanimous consent to take up out of its order the following bill on third reading:

S. B. No. 187, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of over 125,000 according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerks' office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name of owner, date of permit, description of property on which building is located, etc., and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Parr.
Bowers.	Price.
Floyd.	Real.
Hall.	Reid.
Hardin.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bledsoe.	Russek.
Fairchild.	Stuart.
Greer.	Witt.
Pollard.	

Bills Introduced.

Unanimous consent was granted to send up the following bills:

By Senator Holbrook.

Whereas, Oil, and Gas Permit Number 10199 covering about 243 acres of the Bed of the San Bernard River in Brazoria County, Texas, was issued to R. T. Jameson on December 11, 1925 for a period of two years from said date, which said Permit is now owned by Roxana Petroleum Corporation, and

Whereas, the owner of said Permit has drilled a well on said area to a depth of 1446 feet and then encountered cap rock and found no oil, and

Whereas, said owner desires to further explore said area in order to save its investment therein and the time required for such exploration will in all probability extend beyond the present term of said Permit, therefor,

S. B. No. 431, A bill to be entitled "An Act to extend Oil and Gas Permit Number 10199 covering about 243 acres in the Bed of the San Bernard River, issued on December 11, 1925, such extension to be for a period of two years from the present date of expiration of said Permit, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Whereas, Oil and Gas Permit Number 9892 covering about 540 acres of the Bed of the San Bernard River in Brazoria County, Texas, was issued to F. Dunn on September 22, 1925 for a period of two years from said date, which said Permit is now owned by Roxana Petroleum Corporation, and

Whereas, the owner of said Permit has drilled a well on said area to a depth of 4172 feet and has found oil to the extent of a daily production of only about two and one-half barrels, and

Whereas, said owner desires to further explore said area in order to save its investment therein and the time required for such exploration will in all probability extend beyond the present term of said Permit, therefor,

S. B. No. 432, A bill to be entitled "An Act to extend Oil and Gas Permit Number 9892 covering about 540 acres in the Bed of the San Bernard River, issued on September 22, 1925,."

such extension to be for a period of two years from the present date of expiration of said Permit and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Adjournment.

On the motion of Senator Wirtz the Senate at 5:14 p. m. adjourned until tomorrow at 10:00 o'clock a. m.

APPENDIX.

Petitions and Memorials.

Ladonia, Texas,
Feb. 23, 1927.

To the House of Senators,
Austin, Texas.

Honorable sirs: We request your support of the "gasoline and tobacco tax bills" now before you for consideration, as we believe it will be helpful to our school conditions which are so needy, and will be satisfactory to the people of our section, as well as others.

Thanking you for anything you may do in this respect we are very sincerely,

E. B. CHANCELOR,
Pastor Christian Church.
R. E. PORTER,
Pastor Methodist Church.

The family of Charles Schreiner desire to express their appreciation of your kindness and sympathy extended in their recent bereavement.

The reception of the Extension Division on the Little Campus to which members of the Senate have been invited has been postponed indefinitely.

T. H. SHELBY,
Dean of Extension.

The three Austin Blue Lodges will have a Geo. Washington celebration at the Scottish Rite Cathedral tonight at 8 p. m. Hon. Claude Pollard will deliver the address. All Masons and their families are invited. 18th and Lavacca.

602 Van Buren St.,
Wichita Falls, Texas, Feb. 22, 1927
State Senator,
Capitol Building,
Austin, Texas.

Dear sir: Please pardon me for again troubling you. But I am interested to know if there is going

to be an appropriation made this session whereby the vacant school land can be advertised. Thanking you for your interest in this proposition.

Remain very truly yours,
J. B. CRISWELL.

Congress of the United States
House of Representatives
Washington, D. C.

February 21, 1927.

Hon. A. J. Wirtz, Senate Chamber,
Austin, Texas.

Dear Senator: I am enclosing herewith a copy of a letter which I received from Major General C. C. Williams, Chief of Ordnance, War Department, relative to the distribution of captured German World War trophies to the State of Texas. Under the acts cited by General Williams, the Secretary of War was directed to furnish each state and territory with a chart showing the allocation of these trophies. It seems that Texas has not availed herself of the trophies allotted to her with the exception of one field piece which was directed shipped to Gonzales, Texas. In view of the fact that the allotment for the crating and packing of these trophies expires on July 1, 1927, and for the further reason that in case no shipping instructions are received before that time, the allotted trophies will revert back to the Department, I am bringing the matter to your attention for such action as you may deem proper. I am writing a similar letter to the Governor of Texas, as well as the State Commander of the American Legion, Mr. R. C. Winters, Abilene, Texas.

With best wishes, I am,
HARRY M. WURZBACH.

War Department
Office of the Chief of Ordnance
Washington

February 19, 1927.

Honorable Harry McLeary Wurzbach
Member of Congress,
Washington, D. C.

My dear Mr. Wurzbach: Referring to the telephone conversation which you had with Captain Strickland of this office this morning in regard to the allotment of captured German World War trophies to the State of Texas, I have to advise that legislation enacted June 7, 1924 (S1376 Pub. 234), provided for the distri-

bution of captured German World War trophies through the Chief Executives of the various states and territories in the ratio each state furnished armed forces during the World War. Under date of April 13, 1925, the Chief Executive of all the states were furnished with charts showing the allocation of these trophies to their respective states. Since this distribution was made, nearly all the states have requested shipment of their entire allotments, but to date the State of Texas has not requested shipment of any of the trophies allotted with the exception of one field piece which was directed shipped to Gonzales, Texas.

You are further advised that the Act of Congress approved May 22, 1926, (S2475 Pub. 267), amending the Act of June 7, 1924, provided for the distribution after July 1, 1927, of all trophies rejected by states to whom allotted, and also provided for the extension of time for the acceptance of trophies to July 1, 1927. Therefore, all trophies remaining on hand not accepted by the states July 1, 1927, will revert to the War Department for further distribution. The funds appropriated to cover the cost of packing and handling these trophies for shipment are only available for this purpose until July 1, 1927 and for this reason it is imperative that all requests for shipment for these trophies be in this office in sufficient time to make shipment before June 30, 1927.

I am inclosing herewith a list showing the trophies still due the State of Texas for which shipping instructions have not yet been given, and it is suggested that if you are interested in securing some of these World War trophies, that the matter be taken up direct with the Governor of Texas, as the distribution in the State is entirely in his hands.

In accordance with the Acts of Congress covering the distribution of these trophies, the War Department is only charged with the handling and loading and has no authority over the distribution in the States. I shall be very glad to be of further service in this matter.

Sincerely yours,

C. C. WILLIAMS,

Major General, Chief of Ordnance.

Captured German World War trophies and devices still due the State of Texas from allotment made in accordance with the Act of June 7, 1924.

- No. 1. Armor, Body, still due 16.
- No. 2. Bayonet, plain, still due 2080.
- No. 3. Bayonet, sawtooth, still due 740.
- No. 4. Canteen, glass, still due 1.
- No. 5. Canteen, infantry, still due 140.
- No. 6. Canteen, medical, still due 225.
- No. 7. Case, cartridge, brass 77 m. m. long, still due 1.
- No. 8. Case, cartridge, brass 150 m. m. Howitzer, still due 177.
- No. 9. Case, cartridge, brass 210 m. m. Howitzer, still due 37.
- No. 10. Case, cartridge, 105 m. m. Howitzer, still due 3.
- No. 11. Case, cartridge, brass 173 m. m. railway, still due 39.
- No. 12. Case, cartridge, brass, 250 m. m. gun, still due 1.
- No. 13. Grenade, potato masher (dummy).
- No. 14. Helmet, steel, still due 560.
- No. 15. Helmet, Uhlan, still due 23.
- No. 16. Lance, Uhlan, assorted, steel and wood, still due 62.
- No. 17. Machine gun, Austrian Schwarzlose, 8 m. m., still due 1.
- No. 18. Machine gun, Rumanian St. Etienne, with mount.
- No. 19. Machine gun, German Dreyze.
- No. 20. Machine gun, German Maxim M1908, still due 140.
- No. 21. Machine gun, German Maxim M 1908-15, still due 212.
- No. 22. Machine gun, Aircraft, German Maxim M1908-15, still due 7.
- No. 23. Machine gun, Aircraft, German Parabellum, free type.
- No. 24. Map, artillery, fighting, still due 1.
- No. 25. Masks, gas, still due 4.
- No. 26. Mortar, trench, German 57 m. m.
- No. 27. Mortar, trench, German 94 m. m., still due 1.
- No. 28. Rifle, German Mauser, antitank, 13 m. m., still due 1.
- No. 29. Rifle, German Mauser Mag. M1898, still due 2120.
- No. 30. Rifle, German Mannlicher Mag. M1883, still due 300.

No. 31. Rifle, German Carbine, Mauser Mag. M1898, still due 200.

No. 32. Rifle, German Mauser, single shot M1871, still due 60.

No. 33. Rifle, German Mauser Repeating M1871-1884, still due 20.

No. 34. Rifle, Austrian Mannlicher Mag. M1895, still due 40.

No. 35. Rifle, miscellaneous, still due 220.

No. 36. Sabers, enlisted men's, still due 568.

No. 37. Sword, officers', still due 14.

No. 38. Throwers, grenade (grenadewerfer), still due 23.

No. 39. Antiaircraft gun trailer and amount.

No. 40. 58 m. m. Minnewerfers, Nonrecoil, flat mount.

No. 41. 76 m. m. Minnewerfers, with wheels, still due 13.

No. 42. 76 m. m. minnewerfers, without wheels.

No. 43. 75 m. m. French antiaircraft gun, converted to German 77 m. m.

No. 44. 77 m. m. Gun and Carriage (standard), still due 6.

No. 45. 77 m. m. gun and carriage, without wheels (standard).

No. 46. 77 m. m. gun and carriage, (light field), still due 5.

No. 47. 77 m. m. gun, 76.2 gun and carriage, Russian antiaircraft.

No. 48. 88 m. m. gun and carriage, nonrecoil Austrian, still due 1.

No. 49. 100 m. m. Howitzer and carriage, Austrian.

No. 50. 105 m. m. Howitzer and carriage, (short), still due 3.

No. 51. 105 m. m. Howitzer and carriage (light field), still due 3.

No. 52. 105 m. m. Howitzer and carriage (heavy), still due 2.

No. 53. 105 m. m. gun (long) high carriage, non-recoil.

No. 54. 105 m. m. Howitzer and carriage (heavy field), still due 1.

No. 55. 105 m. m. gun and carriage (long field) nonrecoil, still due 1.

No. 56. 105 m. m. gun and carriage (long field.)

No. 57. 120 m. m. gun and carriage (bronze) non-recoil, still due 1.

No. 58. 120 m. m. gun and carriage (Belgian) non-recoil.

No. 59. 135 m. m. gun, long field, (transport vehicle.)

No. 60. 135 m. m. gun and carriage, long field, still due 1.

No. 61. 150 m. m. Mortar and carriage, non-recoil, still due 3.

No. 62. 150 m. m. Howitzer and carriage, short, still due 5.

No. 63. 150 m. m. Howitzer and carriage, heavy, still due 5.

No. 64. 150 m. m. gun and carriage (long) nonrecoil, still due 5.

No. 65. 150 m. m. gun and carriage, long field.

No. 66. 150 m. m. gun and carriage (long field) naval, still due 1.

No. 67. 150 m. m. gun, long field, (on transport vehicle) naval, still due 1.

No. 68. 150 m. m. Howitzer and carriage, 6 inch gun, British, etc.

No. 69. 150 m. m. Howitzer and carriage, with double recoil cylinder, still due 1.

No. 70. 170 m. m. Minnewerfer, with wheels, still due 5.

No. 71. 170 m. m. Minnewerfer, without wheels, still due 1.

No. 72. 205 m. m. gun, Russian.

No. 73. 205 m. m. gun, Russian (on transport vehicle.)

No. 74. 210 m. m. Howitzer and carriage, still due 2.

No. 75. 210 m. m. gun, Mortar, nonrecoil (on transport vehicle), still due 1.

No. 76. 210 m. m. Mortar and carriage (non-recoil), still due 1.

No. 78. 240 m. m. trench Mortar,

No. 77. 210 m. m. gun, Mortar, nonrecoil, still due 1.

No. 79. 250 m. m. Minnewerfers on wheels, still due 4.

No. 80. 250 m. m. Minnewerfers without wheels.

No. 81. Miscellaneous.

No. 82. Cannon, automatic, Maxim 37 m. m.

Boxes, belt, feed for German machine guns, still due 114.

Boxes belts, machine gun, steel, still due 312.

Buckles, "Got mit uns" belt, still due 6225.

Containers, coffee and tea, long, still due 2.

Containers, coffee and tea, round, still due 1.

Fuzes, time, inert, still due 2.

Kits, mess with combination fork and spoon, still due 1.

Lanterns, trench, still due 62.

Machine, belt loading, for German machine guns in boxes, still due 65.

Ornaments, eagle, helmet, still due 286.

Pistols, Mauser, Auto, 7.63 m. m. with wood holsters, still due 9.

Ornaments, side, colored, steel, still due 18060.

Pistols, Spanish Express, 7.65 m. m. automatic, still due 6.

Saddles, flexible, riding, still due 1.

Swas, flexible, with handle, still due 28.

Shell, German empty, 150 m. m., still due 228.

Shell, German, empty, 170 m. m., still due 560.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 22 carefully examined and compared, and find the same correctly enrolled and have this day presented the same to the Governor for his approval.

WITT, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 347 carefully examined and compared, and find the same correctly enrolled and have this day at 10:35 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 16 carefully examined and compared and find the same correctly enrolled and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 69 carefully examined and compared, and find the same correctly enrolled and have this day at 5 o'clock p. m.

presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 258 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 25, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

H. B. No. 323, A bill to be entitled "An Act providing for the acceptance, ratification and adoption of the National Defense Act enacted and amended by the Congress of the United States relating to the National Guard; recognizing the right of the President of the United States to call or draft the Texas National Guard and Texas National Guard Reserve into the military service of the United States; the resumption of the Texas National Guard and the Texas National Guard Reserve of their membership in the Texas National Guard and in the Texas National Guard Reserve on termination of such service, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

McFARLANE, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 24, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 5, A Joint Resolution "Proposing an amendment to the Constitution so as to make taxable for county and school purposes the University of Texas lands in the county where located, allotted by the Constitution of 1876, and by an Act of the Eighteenth Legislature approved April 10, 1883, providing the maximum rate of said taxes; providing a board to set the valuation of said lands for taxation purposes."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STUART, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 24, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 5, A Joint Resolution "Proposing an amendment to the Constitution so as to make taxable for county and school purposes the University of Texas lands in the county where located, allotted by the Constitution of 1876, and by an Act of the Eighteenth Legislature approved April 10, 1883, providing the maximum rate of said taxes; providing a board to set the valuation of said lands for taxation purposes."

Beg to differ with a majority of your Committee, and report the same back to the Senate with the recommendation that it do pass.

TRIPLETT.

PARR.

Committee Room,
Austin, Texas, Feb. 24, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 425, A bill to be entitled "An Act to amend Article 7005, Chapter 7, Title 121 of the Revised

Civil Statutes of 1925 so as to place Briscoe County under the provisions of said chapter, No. 7, Title 121."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highway & Motor Traffic, to whom was referred

S. B. No. 353, A bill to be entitled "An Act repealing local or special road law of Parker County which was presented to the Governor for approval on March 21, A. D. 1899, and became a law without his approval, and repealing any and all local or special road laws for Parker County; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was re-referred

H. B. No. 37, A bill to be entitled "An Act to amend Article 3351 of Chapter 5, Title 54 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 136, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of Texas, as recodified and adopted at the Reg-

ular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select petit jurors, providing for their compensation and prescribing their qualifications, so as to provide for the appointment of not less than three nor more than five, in the discretion of the District Judge, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 310, A bill to be entitled "An Act to amend Article 2494 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 410, A bill to be entitled "An Act providing that negotiable instruments shall not be rendered non-negotiable by reason of the execution or contents of any other paper creating a lien or other right, securing such negotiable instrument, or by reason of any reference in the negotiable instrument to such other paper, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on

Civil Jurisprudence, to whom was referred

S. B. No. 351, A bill to be entitled "An Act regulating the liability of sureties on obligations and undertakings in case of discharge or release of any principal thereon, less than all, or in event of alterations or changes in the terms of such obligation or undertaking; enacting Article 6252-a of the Revised Civil Statutes, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 314, A bill to be entitled "An Act repealing Chapter 6, Title 39, of the Revised Statutes, 1925, and substituting therefor this Act requiring the Courts of Civil Appeals to make and file separate conclusions of fact and law in all cases decided by them and affording to any party to a suit decided by any such court, in case of refusal by such court to comply with the provisions of said Act, the right to have a writ of mandamus issued by the Supreme Court compelling compliance with the provisions of this Act, and containing an emergency clause."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 352, A bill to be entitled "An Act amending Article 3810 of the Revised Civil Statutes, 1925, so as to change the method of giving notice of sales provided for in said Article, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 399, A bill to be entitled "An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 399, A bill to be entitled "An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes, 1925, and declaring an emergency."

Have had the same under consideration, and beg leave to differ with a majority of the Committee, and report the same back to the Senate with the recommendation that it do pass.

WARD,
LOVE,
McFARLANE.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 397, A bill to be entitled "An Act to give the Supreme Court of Texas the power to make and establish all rules of civil procedure for the government of said court and the other courts of this State so as to expedite the dispatch of business

therein, and to call to its assistance such judges and lawyers of the State as the Supreme Court may select to aid in formulating such rules and to repeal such statutes of practice and procedure as may be in force when such rules go into effect, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairmen.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 397, A bill to be entitled "An Act to give the Supreme Court of Texas the power to make and establish all rules of civil procedure for the government of said courts and the other courts of this State so as to expedite the dispatch of business therein, and to call to its assistance such judges and lawyers of the State as the Supreme Court may select to aid in formulating such rules, and to repeal such statutes of practice and procedure as may be in force when such rules go into effect, and declaring an emergency."

Have had the same under consideration, and beg leave to differ with a majority of the Committee and report the same back to the Senate with the recommendation that it do pass.

WARD,
LOVE,
McFARLANE.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 370, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of 1925, which Article provides for the manner of issuing charters by the State to private corporations, and which amendment provides that private corporations may be formed under general law for all purposes not in contravention of the Constitution of

Texas or the United States, or inconsistent with provision of general law or the public policy of the State; providing for a franchise tax on corporations including more than one purpose, which tax shall be in addition to the franchise tax now provided by law; and further providing that corporations shall have all powers necessary to purposes for which created; declaring that all charters issued to private corporations heretofore are effective for the purposes for which created; providing that charters be recorded in the records in the principal office of the corporation, and requiring that such charters shall be recorded in the county records of the county of the principal office of the corporation, and in each county in which a branch of it is maintained; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that S. C. S. B. attached hereto do pass in lieu thereof.

BAILEY, Chairman.

By Holbrook: S. C. S. B. No. 370.

A BILL

To Be Entitled

"An Act to amend Article 1302, Revised Civil Statutes of 1925, which Article provides for the manner of issuing charters by the State to private corporations and which amendment provided that private corporations may be formed under general law for all purposes not in contravention of the Constitution of Texas or the United States or inconsistent with provision of general law or the public policy of the State or the provisions of this Act; providing for a franchise tax on corporations including more than one purpose, which tax shall be in addition to the franchise tax now provided by law; and further providing that corporations shall have all powers necessary to purposes for which created; declaring that all charters issued to private corporations heretofore are effective for the purposes for which created; providing that charters be recorded in the records in the principal office of the corporation, and requiring that such charters shall

be recorded in the county records of the county of the principal office of the corporation, and in each county in which a branch of it is maintained; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1302, Revised Civil Statutes of 1925, be and the same is hereby amended to read as follows:

Article 1302: (a) By and under the authority conferred in Article 12 of the Constitution of the State of Texas for the creation of private corporations, such corporations may be formed, under provisions of general law, for any purpose or purposes not in contravention of the provisions of the Constitution of the State of Texas or of the United States, or for purposes which have been declared by general law to be inconsistent with the public policy of the State, or expressly forbidden by general statute, excepting only those purposes specifically enumerated in paragraph (b) of this Article; providing that any corporation heretofore or hereafter organized under any law of this State, or that has been or may hereafter be authorized by law to do business in Texas and which includes more than one purpose in its charter or permit shall pay a franchise tax upon the full amount of its authorized capital stock as now or hereafter provided by law for one purpose, and an additional franchise tax of Two Hundred and Fifty (\$250.00) Dollars per annum for each and every other purpose in which it may be actually engaged in this State.

(b) No corporation shall be created under this Article that shall include among its purposes any of the following purposes: the construction or operation of any railroad which uses steam as its motive power; life or fire insurance business to act as agent of any life or fire insurance company; to engage in banking business; to engage in the practice of the learned professions; or buy and sell land.

(c) No corporation organized under this Article shall include the retailing of goods, wares and merchandise with that of any other purpose except the wholesaling of goods, wares and merchandise. No corporation

shall be organized under this Article that includes any two or more of the following purposes: the ginning of cotton; compressing of cotton; or the operation of cotton seed oil mills.

(d) All charters heretofore issued under the supervision of Article 1302, Revised Civil Statutes of 1925, or any other law of this State, are hereby declared effective for the purposes for which created.

(e) Any corporation heretofore incorporated under the general laws of this State, or any corporation that may be incorporated under the provisions of this Article, shall have the power necessary, both general and specific, to carry out the purposes of its creation, and shall have the right, at any time, to amend its charter as to its purpose in the manner and form required by law for amending the charters of corporations created by general law, and corporations heretofore incorporated may amend their charters so as to operate under this Article.

(f) All private corporations created under the provisions of this Article shall be required after filing their charters with the Secretary of State, to record such charter at length in the principal office of the corporation, and shall have such charter recorded in full in the records of the county clerk of the county in which such corporation has its principal office, and in the public records of each county in which such corporation has a branch office, before such corporation shall do any business in this State. All amendments to charters shall be recorded in like manner.

(g) All laws and parts of laws in conflict herewith are hereby repealed.

Section 2. The fact that under present laws it is necessary to amend the corporation laws very frequently in order that common and ordinary business may incorporate, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read upon three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 245, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by cities and towns in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective cities and towns to make such levies by ordinance, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following Committee Amendment:

Amend H. B. No. 245 by inserting in line 1, section 1, after the words "heretofore made" the following "within two years prior to the passage of this Act."

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 367, A bill to be entitled "An Act amending Title Twelve of the Revised Civil Statutes of the State of Texas, so as to require all assignments for creditors to be recorded in the deed records of the county of the assignor's residence within three days after the execution thereof; etc.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1927

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 392, A bill to be entitled "An Act to amend Article 3900, of the Revised Civil Statutes of Texas, 1925, relating to reports of fees required to be made by certain officers, so as to provide that sheriffs

shall not be required to make report of fees as provided in Article 3897, 3898 and 3899, of said Revised Statutes of 1925, or to keep the statement provided for in Article 3896 of said Revised Statutes of 1925, in those counties having a population of fifty thousand inhabitants or less to be determined by the United States census of 1920, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred S. B. No. 392, A bill to be entitled "An Act to amend Article 3900 of the Revised Civil Statutes of Texas of 1925, relating to reports of fees required to be made by certain officers, so as to provide that sheriffs shall not be required to make reports of fees as provided in Article 3897, 3898 and 3899 of said Revised Statutes of 1925 or to keep the statement provided for in Articles 3896 of said Revised Civil Statutes of 1925, in those counties having a population of fifty thousand inhabitants or less to be determined by the United States census of 1920, and repealing all laws in conflict herewith; and declaring an emergency."

Be to differ with a majority of your Committee, and report the same back to the Senate with the recommendation that it do pass.

PARR,
WESTBROOK.

Committee Room,

Austin, Texas, Feb. 24, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 430, A bill to be entitled "An Act providing for expenses of members of the State Highway Commission in connection with official duties; providing for the payment of said expenses out of an appropria-

tion of the State Highway Fund heretofore made; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.
WOOD, Chairman.

By Wood: S. B. No. 430,

A. BILL

To Be Entitled

"An Act providing for expenses of members of the State Highway Commission in connection with official duties; providing for the payment of said expenses out of an appropriation of the State Highway Fund heretofore made; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas.

Section 1. In addition to compensation provided by law for members of the State Highway Commission, each member of said commission shall be entitled to actual expenses incurred in the performance of official duties authorized or required by law, including traveling expenses, hotel bills, and other necessary expenses actually incurred; all of which shall be paid out of the State Highway Fund. Among other expenses to which each such commissioner shall be entitled under this Act, any member of said State Highway Commission residing elsewhere than at the seat of government shall be entitled to such expenses incurred in traveling to and from the City of Austin on said official business and also, while in the City of Austin on such business. Said expenses shall be paid out of the lump appropriation of the State Highway Fund to be found at page 536 of the General Laws of the Regular Session of the Thirty-ninth Legislature.

Section 2. The fact that members of the State Highway Commission reside elsewhere than in the City of Austin, the seat of government, and it is necessary for them to travel back and forth from their homes to the City of Austin in order to attend meetings of the State Highway Commission, and attend to their official duties, and the further fact that it has been held that under present laws such commissioners are not entitled to expenses while traveling

to and from Austin, or while in the City of Austin, and in view of the small compensation allowed to members of the State Highway Commission it is burdensome for them to be compelled to pay their own expenses in making trips to Austin on official business and during the time they are in the City of Austin on such business, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 320, A bill to be entitled "An Act making invalid intrastate sales in this State of prison made goods, wares, merchandise and articles and declaring that no action shall be brought in this State to enforce the collection or payment of money or other things of value pursuant to any such sale, unless there is attached to the container or package thereof and upon each and every individual garment or article of such goods so sold a plain and distinct label in the English language containing the printed words "Prison Made Merchandise" prescribing the size of the type of such printed words; defining the words "Prison Made Goods;" and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WESTBROOK, Chairman.

Ordered printed in the Journal. See Journal of February 23, 1927 for motion by Senator Westbrook.

By Westbrook: S. B. No. 320,

A BILL

To Be Entitled

"An Act making invalid intrastate sales in this State of prison made goods, wares, merchandise and articles and declaring that no action shall be brought in this State to

enforce the collection or payment of money or other things of value pursuant to any such sales, unless there is attached to the container or package thereof and upon each and every individual garment or article of such goods so sold a plain and distinct label in the English language containing the printed words 'Prison Made Merchandise;' prescribing the size of the type of such printed words; defining the words 'Prison Made Goods;' and declaring an emergency."

Be it enacted by the Legislature of the State of Texas.

Section 1. No sale of prison made goods in intrastate commerce in this State shall ever be valid, and no action shall be brought in this State to enforce the collection or payment of any money or other thing of value pursuant to any such sale, unless at the time of such sale there is attached to the container or package thereof and upon each and every individual garment or article of such goods so sold a plain and distinct label printed in the English language containing the printed words "Prison Made Merchandise" which printed words shall be printed in type not less than one-fourth of an inch in height and shall be plainly legible.

Section 2. The words "Prison Made Goods" as used in this Act mean any goods, wares, merchandise or articles manufactured, produced or made, in whole or in part, in any penitentiary or reformatory or penal institution or by any convicts or prisoners or persons serving sentences in a reformatory or penal institution of any kind.

Section 3. The fact that prison made goods sold in intrastate commerce in this State should be plainly labeled so that the people will know that they are made in prisons and penal institutions and by convicts, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.